

## **REMARKS/ARGUMENTS**

In response to the Office Action dated October 8, 2003, Claims 1-11, 14-18, and 20 remain in this application. Claim 1 has been amended. Claims 12, 13, and 19 have been canceled.

Claims 1-20 were rejected under 35 USC 101 (double-patenting).

Claims 1-20 were rejected for obviousness-type double patenting.

Claims 1-2, 4-11, and 14-18 were rejected under 35 USC 103(a).

Claims 1-17, and 19 were rejected under 35 USC 112, second paragraph.

### **Claim Rejections - 35 U.S.C. § 101 - Double Patenting**

Claims 1-20 are provisionally rejected under 35 USC 101 as claiming the same invention as that of claims 1-12 of co-pending Application No. 09/775,295. The claims of 09/775,295 are limited to a pole-to-pole spacing that is less than the distance to the process location. No such features are claimed in the present application as amended, and therefore this rejection has been overcome.

### **Claims Rejections - Obviousness-Type Double Patenting**

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of co-pending Application No. 09/775,295. Applicants submit herewith a Terminal Disclaimer to overcome the double patenting rejection over co-pending Application No. 09/775,295.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-2, 4-11, and 14-18 are rejected under 35 USC 103(a) as being unpatentable over Yin et al. (U.S. Pat. No. 6,471,822).

Yin clearly lacks the feature of the magnet's displacement below the process location exceeding the annulus wall spacing, as shown in FIG. 1. In fact, all the drawings of Yin show quite the opposite. This feature is recited in Claim 1, for example, as "said magnetic poles being axially displaced below said processing location by a distance which exceeds a spacing between said facing walls of the annulus." The other rejected claims contain corresponding limitations. Therefore, the claims are patentable over Yin, and reconsideration of the rejection under 35 USC 103 is respectfully requested.

#### **Claim Rejections - 35 U.S.C. § 112**

Claims 1-17, and 19 are rejected under 35 USC 112, second paragraph, as being indefinite in view of the use of the phrase "substantial fraction".

This phrase has been deleted from Claim 1 so as to overcome this rejection. Therefore, withdrawal of the rejection under 35 USC 112 2<sup>nd</sup> paragraph is respectfully requested.

Applicants hereby cancel claims 12, 13, and 19.

# **SUMMARY**

In view of the foregoing corrections and remarks, it is felt that the rejections of the claims under 35 USC 101, obviousness-type double patenting, 35 USC 103(a), and 35 USC 112, second paragraph, have been overcome. Therefore, withdrawal of these rejections is respectfully requested and allowance of the application is earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Robert Wallace at (805) 644-4035 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



Dated: 12/16/2003

Robert M. Wallace  
Reg. No. 29,119  
Attorney for Applicants

Robert M. Wallace  
Patent Counsel  
2112 Eastman Avenue, Suite 102  
Ventura, CA 93003  
(805) 644-4035